

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

(240) 777-6600

**CASE NO: S-2752**

**PETITION OF DIAMOND VETERINARY HOSPITAL**

OPINION OF THE BOARD

(Opinion Adopted February 24, 2010)  
(Effective Date of Opinion: April 2, 2010)

Case No. S-2752 is an application for a special exception, pursuant to Section 59-G-2.32 of the Zoning Ordinance, to permit a veterinary hospital. The Hearing Examiner for Montgomery County held a hearing on the application on November 16, 2009, closed the record in the case on January 22, 2010, and on February 4, 2010 issued a Report and Recommendation for approval of the special exception.

The subject property is in Parcel 684, located at 17000 Longdraft Road, Gaithersburg, Maryland, 20878, in the RE-2 Zone.

Decision of the Board:                      Special Exception **Granted**, Subject to  
The Conditions Enumerated Below.

The Board of Appeals considered the Hearing Examiner's Report at its Worksession on February 24, 2010. After careful consideration and review of the record, the Board adopts the Report and amends the conditions of approval to add conditions 14 and 15 as follows:

1.            The Petitioner shall be bound by all of her testimony and exhibits of record, and by the testimony of her witnesses and her representations identified in the Hearing Examiner's report and in the Opinion of the Board.
2.            The special exception is limited to a maximum of six employees, consisting of two veterinarians and 4 support staff on-site at any one time.

3. Hours of operation are limited to 8:00 AM – 6:00 P.M., Monday through Saturday;
4. Per §59-G-2.32(b)(7) of the Zoning Ordinance, dogs must not be walked or exercised in outdoor areas that are off-site.
5. Per §59-G-2.32(b)(10) and (14) of the Zoning Ordinance, no animals may be boarded (except for overnight medical purposes), exercised, walked or kept in runs or similar areas.
6. Client visits must be scheduled by appointment only, except in emergencies, and are limited to 225 per week. Per § 59-G-2.32(b)(11) of the Zoning Ordinance, Petitioner must keep a written log of all appointments, drop-ins and emergency client activities, and make it available for inspection by the County.
7. Per §59-G-2.32(b)(12) of the Zoning Ordinance, accessory operations, such as the sale of pet food and supplies, must not exceed 20% of revenue.
8. Petitioner must maintain at least 10 parking spaces on site, re-stripe one of the provided parking spaces and post a sign for an accessible parking space.
9. All litter and animal waste must be contained and controlled on the site.
10. Petitioner must comply with the requirements of her Statement of Operations (Exhibit 25(a)).
11. Petitioner may maintain the sign currently posted, but must file a copy of the sign permit therefor with the Board of Appeals.
12. Petitioner must provide bags to allow clients to pick up any droppings from their pets, and a sign should be posted in the reception area as described in the Statement of Operations.
13. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.
14. Petitioner must implement the revisions to the landscape plans to add additional screening between the parking area and the abutting property to the west.
15. Pick ups and deliveries must be limited to 25 per week, between 7 a.m. and 7 p.m. Monday through Saturday. No large trucks shall be used.

On February 24, 2010, the Board received correspondence from Gary L. Modjeska on behalf of Dr. Meredith Miklozek. Mr. Modjeska submits a copy of the sign permit for the subject property, as required by Condition No. 11 below. The Board opened the record to receive this information at its Worksession on March 10, 2010.

On a motion by Carolyn J. Shawaker, seconded by Walter S. Booth, with Stanley B. Boyd, David K. Perdue, Vice-Chair and Catherine G. Titus, Chair, in agreement, the Board adopted the following Resolution:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

---

Catherine G. Titus  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 2<sup>nd</sup> day of April, 2010.

---

Katherine Freeman  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this

matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.